

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)
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)
Plaintiff,)
)
vs.) Case No. 03-CR-30140-MJR
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)
PAUL PODHORN, JR.,)
)
)
Defendant.)

MEMORANDUM and ORDER

REAGAN, District Judge:

On October 29, 2004, a jury convicted Defendant Paul Podhorn, Jr. on 25 counts of firearms-related offenses, in violation of **18 U.S.C. §§ 922(b)(5) and 924(a)(3)**. A hearing on a remaining forfeiture count as well as Podhorn's motion for new trial was scheduled to take place in November. However, on September 1, 2005, Podhorn's counsel filed a motion seeking to determine the competency of Podhorn (Doc. 272). Pursuant to **18 U.S.C. § 4241(a)**, this Court found reasonable cause to believe that Podhorn was suffering from a mental disease or defect and ordered that Podhorn undergo an examination in accord with **18 U.S.C. § 4241(b) and § 4247(b)**.

Podhorn subsequently was admitted to the Federal Correctional Institution at Butner, North Carolina ("FCI Butner") on October 4, 2005. His examination was completed November 2, 2005.

On December 29, 2005, this Court held a hearing on Podhorn's competency. At that hearing, Podhorn's evaluation report was reviewed by the Court and by both parties. In that report, Podhorn's examining psychologist, Tanya L. Cunic, Psy. D., concluded that "Podhorn is not presently suffering from a mental disease or defect that renders him mentally incompetent to the

extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. ... he is competent to proceed" **Podhorn's Forensic Report from the Psychology Department at FCI Butner to Honorable Michael J. Reagan, 9-10 (Dec. 8, 2005)**. This Court allowed Podhorn to read the entire report and allowed him ten days in which to object. Podhorn has no objections to the report (Doc. 283), nor does the Government.

Accordingly, this Court accepts Podhorn's evaluation in its entirety and, pursuant to **18 U.S.C. § 4241(d), FINDS** that Podhorn is competent to proceed in this matter.

IT IS SO ORDERED.

DATED this 30th of December, 2005.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge